

## REMARKS

Reconsideration and allowance of the present patent application based on the following remarks are respectfully requested.

In the pending Final Office Action, the Examiner rejected claims 49, 50, and 58, under 35 U.S.C. §103(a), as allegedly being unpatentable over Yuyuma '408 (U.S. Patent No. 5,825,408) in view of Kikuchi '791 (U.S. Patent No. 5,052,791); and rejected claim 56, under 35 U.S.C. §103(a), as allegedly being unpatentable over Yuyuma '408 in view of Kikuchi '791 and Ori '658 (U.S. Patent No. 5,872,658); and rejected claim 62, under 35 U.S.C. §103(a), as allegedly being unpatentable over Yuyuma '408 in view of Kikuchi '791 and Levy '522 (U.S. Patent No. 5,708,522).

By this Amendment, claims 49 and 62 have been amended. No new matter has been added. Accordingly, after entry of this Amendment, claims 49, 50, 56, 58, 62 are currently presented for examination of which claims 49 and 62 are independent.

Insofar as the §103(a) rejections are still deemed relevant in view of the claim changes, Applicant traverses the §103(a) rejections for the following reasons.

### I. Rejections Under §103(a).

As noted above, independent claim 49 now positively recites an optical system with an *optical element having a variable focal length characteristic, that uses no polarizing plate, and forms an image whose brightness is independent of a polarized direction of incident light.* These features are amply supported by the embodiments disclosed in the written description.

Applicants submit that none of the asserted references suggest each and every element of claim 49 including, for example, the features noted above. In particular, the Yuyuma '408 reference discloses a portable television receiver 301 that comprises a lens 331, a CCD 332, a LCD 334, a video memory 343, a microphone section 306, and a speaker section 307. (See, Yuyuma '408: Fig. 18; and related descriptions).

There is, however, absolutely nothing in Yuyuma '408 that suggests an optical element having a variable focal length characteristic. Nor is there anything that suggests forming an image whose brightness is independent of a polarized direction of incident light without using a polarizing plate. Thus, Yuyuma '408 is incapable of suggesting an optical system with an *optical element having a variable focal length characteristic, that uses no polarizing plate, and forms an image whose brightness is independent of a polarized direction of incident light*, as required by claim 49.

Applicants further submit that the remaining references fail to cure the deficiencies of Yuyuma '408 noted above and fail in their own right to teach each and every element of claim 49. In particular, Kikuchi '791 discloses the use of an objective lens component 12 that has an imaging function.

However, Kikuchi '791 specifically teaches the implementation of a polarizing plate 11 disposed in an optical system. In so doing, Kikuchi '791 not only fails to suggest the claim language, it effectively teaches away from an optical system with an *optical element having a variable focal length characteristic, that uses no polarizing plate*, as required by claim 49.

Similarly, Levy '522 discloses an optically active layer 214 made of liquid crystal. However, optically active layer 214 *must be* disposed between two crossed polarizers 218 and 211. (See, Levy '522: col. 6, lines 6-11). So, Levy '522 not only fails to suggest the claim language, it effectively teaches away from an optical system with an *optical element having a variable focal length characteristic, that uses no polarizing plate*, as required by claim 49.

For similar reasons, Applicant submits that Ori '658 remains equally ineffective in curing the deficiencies noted above. Thus, for at least these reasons, Applicant submits that claim 49 is clearly patentable over all asserted references. And, because claims 50, 56, 58 depend from claim 49, claims 50, 56, 58 are patentable at least by virtue of dependency as well as for their additional recitations.

Moreover, because independent claim 62 recites similar patentable features as claim 49, claim 62 is patentable for at least the reasons presented relative to claim 49.

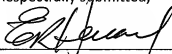
### **CONCLUSION**

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant submits that the entry of this Amendment is proper under 37 C.F.R. §1.116, as the claim changes: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not require any further consideration as the claim changes employ limitations from originally-filed dependent claims that should have already been searched; and (c) places the application in better form for an Appeal, should an Appeal be necessary.

Applicant's representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

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